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10/718,301	11/20/2003	Mazen Faraj	CA920030063US1	9790

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EXAMINER	
WOODS, ERIC V	
ART UNIT	PAPER NUMBER
2628	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/718,301	FARAJ, MAZEN	
	Examiner	Art Unit	
	Eric Woods	2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 December 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 23-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 23-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments, see Remarks pages 1-6 and claim amendments, filed 12/07/2006, with respect to various rejections have been fully considered and were found to be persuasive.

See Response to arguments below. Upon further consideration, the claims were found to be unpatentable over Bartram in view of Pajak for obviousness as below.

Applicant's amendments to the claims did change claim scope; corresponding elements in the Bartram reference were pointed out that met at least part of each limitation. It is further noted that it was made clear in the last Office Action dated 09/07/2006 on page 7 that Bartram was brought in to teach the prompting step and the ability of the user to manipulate the local file, the remote file, or both.

The grounds of rejection have been updated in light of applicant's amendments, but the references applied against the claims have not changed.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Specifically, applicant spends pages 3-5 (applicant's page numbers 9-11) attacking the Pajak reference. On page 5, applicant then characterizes his understanding of the Bartram reference in summary format, and then argues that it does

not teach the recited limitation. However, there is no evidence provided to that effect, merely a blanket allegation that the reference fails to teach that element.

Further, applicant has not attacked the combination of references, and again it is respectfully noted that **corresponding elements of Bartram were pointed out for each and every claim limitation recited therein**. It was clearly stated that Pajak does not clearly teach key portions of the inventive concept, e.g. allowing the user to choose to selectively perform edits on local, remote, or both types of objects.

Moving on, applicant argues that Pajak does not teach a "hybrid data object".

It is noted that the "hybrid" data object is one that exists on both local and remote systems (e.g. "local/remote data object"). However, applicant's own disclosure shows that a "local/remote data object" is merely an icon with a slightly different element to it (e.g. in Figure 3E, the "Local/Remote" data object (File_C) 312 is differentiated from local File_A 310 and remote File_B 314 only by the arrow going in both directions versus the arrow going in only one direction to indicate local or remote.

Therefore, applicant's position in the arguments that Pajak does not teach a hybrid data object appear to contradict applicant's disclosure, given that Pajak shows icon-type representation of shared books and folders with different elements (e.g. plus sign, different color border, and the like). Applicant's disclosure supports examiner's position that the only requirement for the hybrid data object is that it visually indicates if the object is only present on the local system, the remote system, or both.

Pajak does in fact indicate whether or not a file is on the remote server or not. As pointed out in 16:40-17:15, 18:48-19:5, icons with a **black** border are actually stored

remotely, and icons without such border (e.g. the files resident on the desktop that are locally resident only do not have such borders)(see for example the concept of a 'Remote Shared Book' so it is clear that files can exist on remote servers as well (16:8-20). The user can always make modifications to the local copy (16:57-68, other locations).

Applicant's arguments that Pajak does not display a so-called hybrid data object is not correct – the border, the terminal, etc. all indicate the status of the local file with respect to the remote Shared Book entity (e.g. the Truth version). The status is indicated with the border of the object and the other visual indications.

Applicant appears to be arguing further that simply under certain circumstances that Pajak locks the file and replaces the remote file with the local file that this means that the remote copy is **always** automatically replaced with the local copy. The cited example (22:6-42) may be replaced under those circumstances, but that certainly is not the only case. The user may (presumably) save the local copy, for example if the Shared book is locked (Figure 16) and the transaction is aborted because another user has a lock on it (Step 110, implied from 20:57-62, and the fact that local caches exist even after closing a Remote Shared Book) so that the transaction may be attempted later (20:57-62).

However, in any case, Pajak was not **solely** relied upon for each element in this rejection. Please note previous Office Action, pages 3-4, where it is pointed out that Bartram clearly shows which files are in the local user space (see Figure 3, where local

files are indicated in the lower frame, remote files in the upper frame, and files that are both (e.g. local copy and remote copy) are indicated in the upper window by the "C" in the left hand column.

Thusly, for at least the reasons above, examiner submits that applicant's arguments are not persuasive.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 28-33 are rejected under 35 U.S.C. 101 because they recite non-statutory subject matter, namely a computer program per se. The recited computer program product only consists of code means, and they are not functionally interrelated with the computer readable medium. Computer program product claims should be of the form: "A computer-readable medium encoded with a computer program..." as specified by the Interim Guidelines for Subject Matter Patentability and *In re Lowry*.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 28, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartram et al (US PGPub 2004/0019640 A1) in view of Pajak et al (US 5,388,196).

Bartram teaches or partially teaches the following limitations:

As to claims 1, 28, and 34, (method, CPP, system)

A method of interacting with locally and remotely stored data objects in a distributed data processing system, comprising: (Bartram abstract, title)

-Determining whether a data object is stored on both one remote system in the distributed data processing system and a local system; (Bartram clearly teaches that the locations of objects on various parts of the system are known, such that if local and remote copies of a file exist, they are tagged (for example, see the caption in the upper right portion of Figure 3 concerning the owner and date for each file –notation 2). Further, the system shows that the user can copy a file remotely, and that any time a file is shared between users (local and remote copies), the system updates (notation 1) – upper left corner Figure 3 ("Remote objects are reflected as references. If the user has a local copy of the file, the system indicates that there is a copy of the file in the local user space as well." – notation 4). [0016]. Further, [0022] teaches that composite

representations, containing references to multiple versions of shared objects (wherein local copies also can exist), with respect to Figure 3)

-Displaying on the local system, if it is determined that the data object is stored on both the local system and the remote system in the distributed data processing system, the data object as a hybrid data object, the hybrid data object representing both the data object stored on the local system and the data object stored on the remote system; (Bartram clearly indicates the existence of a shared item with multiple versions with the 'ref' icon on the left and the like, which could be qualified as a 'hybrid icon' [0016, 0007-0009, 0018], the 'C' icon and the like)

-Enabling a user on the local system to perform an action on the hybrid data object by first selecting the hybrid data object; (Bartram clearly teaches that the user selects the object [0009] as an example, user can [0024,0039-0042, 0044-0066] for different kinds of actions, context menus, etc. (Bartram [0008] clearly teaches that the teaching that, under user control, reconciling a local object with a remote object referenced in the shared store by deciding how to reconcile conflicts by replacing a local or a remote object, or using an application to merge changes appropriately, then removing a local object as desired. Further Bartram teaches that objects are copied to and from the shared store, where such operations are not automatic and are under user control [0007]. More details are in [0015-0023], but the user can act upon those files, where the user selects which version is acted upon. Users can add files from local to remote [0035-0036], remove or delete documents [0038-0042], and the like, where working with different versions is taught [0050-0055] as is changing and reconciling multiple versions

of a document [0047-0063], and the like. **Finally, note [0057-0063], where [0058-0062] represent a list of actions that the user(s) can perform upon the local and remote copies of a particular file**.))

-Prompting the user, in response to the user selecting the hybrid data object, to indicate whether the action is to be performed on the data object stored on the local system, the data object stored on the remote system, or both the data object stored on the local system and the data object stored on the remote system; and (Bartram clearly teaches that when the user selects an object, that the object then can present a context menu [0039-0042, and the like], where the system then allows the user to choose the location wherein the action is taken (for example, [0057-0063])

-Performing the action as indicated by the user. (Bartram clearly executes such actions once they are specified, as in the paragraphs cited above)

Bartram fails to completely teach the following limitations, but Pajak teaches:

-Displaying on the local system, if it is determined that the data object is stored on both the local system and the remote system in the distributed data processing system, the data object as a hybrid data object, the hybrid data object representing both the data object stored on the local system and the data object stored on the remote system; (Pajak 18:48-19:20 teaches that icon clearly shows that files can be local on a small terminal or still on the server, where clearly it would thusly serve as a 'hybrid icon'. Pajak Figs. 3-6 show very clearly a file structure, which again as stated above must be inherent for a local file system, better illustrated in Fig. 7. Specifically, in Fig. 14 it is

shown some files are local and some are remote as indicated by the locations shown on the chart. Clearly, objects are shown in the same viewer regardless of their location, but as shown in Fig. 14, objects are very clearly shown with different borders based on where they reside, e.g. as in 16:40-17:15, more details 17:16-19:10 where it is clearly stated the objects that are stored remotely have black borders as shown in Fig. 14.)

Bartram teaches most of the above invention, but fails to expressly show a hybrid data object in the form of an icon with a variable portion that indicates the type of object, e.g. the Bartram references indicates file type (e.g. hybrid with remote / local) via the 'C' in the 'Shared' window). Pajak teaches that it is beneficial to have a single icon with multiple variable symbols to indicate file status and location (e.g. gray border to illustrate location, etc) because it allows the user to visually determine all the important elements concerning the file (see above cited location, 16:1-22:15 generally). Therefore, for at least the above reasons, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bartram to utilize the icon format of Pajak in order to more easily convey information to the user with a single icon (e.g. "hybrid icon" showing local / remote status and the like).

As to claim 34 specifically, Pajak teaches a computer with a processor and storage device, as shown in Figure 1, see 7:15-8:25, where computers have processors and storage devices, since they execute code and the like.

As to claims 23, 29, and 35, Pajak teaches a hybrid data icon, whilst Bartram teaches that it is beneficial to show all version(s) of the files, both remote and local, where this facilitates understanding of what versions exist and what their chronological orders are, so that the user can choose which to merge and the like, which is a capability that Pajak does not have.

As to claims 24, 30, and 36, clearly, a hybrid data object as listed above as Bartram that had both existences locally and remotely would allow users to perform certain actions against a local object (e.g. writes, changes, and other alterations). Bartram clearly teaches that users can edit, copy, merge, and perform other tasks on shared objects as discussed above. Displaying such objects in list format is well known [0042, 0010, etc]. Additionally, Pajak teaches command lists in 10:10-60.

As to claims 25, 31, and 37, Bartram clearly teaches that the user performs actions on the local copy of the file, e.g. the user operates upon and changes the local version (see, for example, [0050-0063].

As to claims 26, 32, and 38, Bartram clearly teaches that the user has certain limited options with respect to a remote object, namely that they first must make a copy of it and then operate upon it. It is quite obvious that this teaching would encompass only providing remote actions to remote files when selected.

As to claims 27, 33, and 39, if an object representation exists in more than one place (e.g. the hybrid object), it would be obvious that the user should be able to determine which version(s) to modify, change, or otherwise perform changes to. For example, if a rename command were issued, it would be obvious to let the user choose

which location the rename command would be applied to, because the path on the server might be important (for example, say the file was stored in a web directory as /web/foo.html with CGI scripts targeting that location and locally as foo.html; a rename operation on the web server might change the entire structure of the web site and thusly a rename operation would not be wise; therefore, determining a location would be obvious). Although the example provided is somewhat contrived, it is a good, common sense example of how paths on files (and dependencies on file names) can be very important. Again, the existence of a hybrid object necessitates fine-grained control over it for at least the above reasons. Motivation and combination are incorporated by reference from the parent claim. Note further that Bartram does allow the user to choose what operations to perform on local and/or remote copies of a file when sharing (e.g. merges and the like), as well as options to locally delete it and globally delete it once merged and the like.

Conclusion

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Woods whose telephone number is 571-272-7775. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ulka Chauhan can be reached on 571-272-7782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Eric Woods February 28, 2007

ULKA CHAUHAN
SUPERVISORY PATENT EXAMINER